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Chairman: Mr. Galuška ..... (Czech Republic)

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The meeting was called to order at 3.40 p.m.

Agenda item 116: Human rights questions:

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/54/L.63, L.81 and amendments issued as document A/C.3/54/L.93, L.82 and amendments issued as document A/C.3/54/L.97 and L.86 and amendments issued as document A/C.3/54/L.96)

Draft resolution A/C.3/54/L.81 and amendments issued as document A/C.3/54/L.93: situation of human rights in the Sudan

1. **The Chairman** explained that the draft resolution had no programme budget implications and recalled that Bulgaria, Estonia, Hungary, Latvia, Monaco, Poland and Slovenia had on the occasion of its introduction become sponsors of the text.

2. **Mr. Schalin** (Finland) announced that Andorra, Australia, Canada, Iceland, Israel, Japan, Liechtenstein, Lithuania, Malta, Romania and Slovakia had joined the sponsors of the draft resolution. In order to facilitate adoption of the text by consensus, it had undergone some revisions. In paragraph 2 (b) (ii), the word "severe" had been deleted. In paragraph 3 (b), the words "which runs counter to the principles of humanitarian law" had been inserted after the words "civilian population". In the same paragraph, the word "urges" had been inserted before the words "in particular the Sudanese People's Liberation Army". Finally, the words "to abstain from" had been replaced by the words "to stop immediately". In paragraph 3 (g), the words "travelling with a team" had been replaced by the words "accompanying a humanitarian mission". In paragraph 4 (d), the words "and to prevent" had been added after the words "to end". In paragraph 4(k), the words "deprived of their liberties" had been deleted. In paragraph 8, the word "examination" had been replaced by the words "its consideration" and the words "taking into account new developments and additional" had been replaced by the words "in the light of further".

3. **Mr. Erwa** (Sudan) said that his delegation therefore withdrew the amendments to the draft resolution which it had submitted (A/C.3/54/L.93).

4. **Mr. Gallagher** (United States of America) requested a recorded vote.

5. **Mr. Schalin** (Finland), speaking on behalf of the European Union, regretted that a recorded vote had been requested. That request nullified the efforts which the European Union had made, in cooperation with the Sudanese delegation, to formulate a text which both expressed the deep concern of the European Union about the human rights situation in the Sudan and encouraged the Sudanese Government to continue to expand its cooperation with the United Nations human rights machinery in order to improve the situation in that country. He nevertheless hoped that the Sudanese Government would understand that it was in its interest to continue to re-establish the rule of law, to take the necessary measures to end human rights violations and to bring its legislation into line with international norms.

6. **Mr. Erwa** (Sudan), speaking in explanation of vote before the voting, said that respect for and promotion of human rights were compatible with his country's values, culture and religion, as demonstrated by the Sudanese legislative and judicial systems and in particular the 1998 Constitution, which protected those rights. The shortcomings noted in that area should not be interpreted as indolence on the part of the Sudanese State.

7. The United States Government, which was continually spreading lies about so-called violations of human rights in the Sudan, was unable to provide a single proof in support of those allegations. The international community, which was not deceived, was well aware that the United States had a hidden agenda and was blatantly exploiting the issue of human rights. In that connection, the United States had committed a very serious violation of human rights by bombing the El-Shifa pharmaceutical factory in Khartoum in August 1998. That attack, which had been designed to camouflage the well-known ethical scandal in the United States administration, had deprived the Sudanese people, and in particular women, children and the elderly, of a source of essential medicines at a time when the Sudan, which according to United Nations indicators was one of the least developed countries, was trying to mobilize its meagre resources to improve its health situation.

8. Following constructive and objective negotiations with the European Union, his delegation had reached a

consensus on the draft resolution under consideration. Despite its reservations on certain paragraphs, it had accepted the consensus as a sign of its good will, especially as no country was completely free from violations of human rights. Yet the United States delegation, in its efforts to prevent any consensus, had submitted amendments to the draft resolution reflecting the real objectives of the United States — to threaten the unity, sovereignty and security of the Sudan.

9. He wished to comment on the allegations made by the United States delegation. Firstly, it was not true that religious persecution existed in the Sudan, where Christians occupied top posts such as Vice-President of the Republic, Minister for Foreign Affairs, Federal Minister of Labour, Deputy Speaker of the Federal Parliament, Governors of southern states, members of parliament, ambassadors, diplomats. In the United States, on the other hand, although Islam was the second religion in terms of the number of its followers, there were no Muslims in Congress or in the Government, in either ministerial or mid-level posts. The United States animosity towards the Sudan was nothing but hatred of Islam and of Muslims.

10. Secondly, the allegations concerning restrictions on humanitarian relief flights were untrue, as could be seen from the resolutions of the General Assembly and the statements of the Secretary-General of the United Nations. The Sudanese Government was endeavouring to facilitate humanitarian flights by issuing the required clearances, and the problems encountered in that regard were basically financial in nature. Furthermore, United Nations records clearly indicated that humanitarian relief flights by Operation Lifeline Sudan represented only ten per cent of the total number of flights cleared by the Sudanese authorities.

11. Thirdly, the allegations of slave trading in the Sudan were being made by the United States Government under pressure from a certain non-governmental organization whose consultative status had recently been withdrawn by the Economic and Social Council. An accusation of that nature was the worst humiliation that could be inflicted on a civilized society. The Sudanese Minister for Foreign Affairs had asked the international community to dispatch a mission composed of representatives of the United Nations, the Organization of African Unity, the League of Arab States, the Organization of the Islamic Conference and the European Union to investigate the situation. In that connection, it was ironic that the United States, which had refused to allow the special rapporteur on racial discrimination to conduct his investigation there, was the only country continuing to make such accusations.

12. Fourthly, the United States Government was accusing the Sudanese authorities of bombing the civilian population. That allegation was refuted by the Sudanese Government's unilateral ceasefire declaration, which had been welcomed by the international community and particularly by the Secretary-General of the United Nations and by the European Union. In that connection, it should be recalled that the United States Secretary of State had recently stated that her country would extend material and financial support to the rebel movement operating in southern Sudan. In addition, by bombing the El-Shifa factory, the United States had caused the death and injury of innocent and defenceless civilians and had violated their basic rights such as the right to life, to development, to health and to medical care.

13. The United States goal was not to preserve peace and security but to destabilize the Sudan. It was politicizing the issue of human rights in the Sudan because of its hidden agenda, as revealed by Mr. Jimmy Carter, who had said that the United States administration was not working towards achieving peace in the Sudan but towards overthrowing the Government.

14. For those reasons, and because of the deliberate efforts of the United States to prevent any consensus, after the amendments which it had proposed had not been inserted in the draft resolution, the Sudanese delegation was unfortunately obliged to vote against the text and urged all Member States to do the same.

15. **Mr. Gallagher** (United States of America), speaking in explanation of vote, said that draft resolution A/C.3/54/L.81 concerning the situation of human rights in the Sudan was flawed. The United States believed that human rights violations were being committed by all the parties to the Sudanese conflict and particularly by the Government, as confirmed in the most recent report of the Special Rapporteur of the Commission on Human Rights on the human rights situation in the Sudan (A/54/467). The United States regretted that the draft resolution submitted did not accurately reflect the findings of the Special Rapporteur. Since the text ignored certain essential facts, the United States would abstain in the vote. It did

not want to support a weak and inaccurate text or to vote against a draft resolution which highlighted some of the human rights violations still being committed in the Sudan.

16. Since the most recent consideration of the situation in the Sudan by the Commission on Human Rights, in April 1999, the Khartoum regime had engaged in little more than window-dressing in an attempt to soften an international reaction to the situation of human rights in that country, where State terrorism was continuing and human rights violations were still as numerous as in the past. The Special Rapporteur said so clearly when, in his report on the human rights situation in the Sudan issued in October (A/54/467), he regretted that in 1999 he had "continued to receive reports concerning the frequent use of torture and arbitrary detention affecting, *inter alia*, human rights defenders, journalists and political opponents, and the curtailment of the freedoms of expression and of the press and the right of assembly".

17. In particular, the United States believed that the proposed draft resolution did not reflect the Special Rapporteur's findings in three important areas: the existence of slavery in the Sudan, the religious persecution perpetrated by the State, and the Government's refusal to allow relief flights in the zones where humanitarian needs were considerable. In the United States view, it was essential for the text of the resolution to refer explicitly to slavery. That practice had been confirmed by several sources, including the Special Rapporteur, and had at least the tacit support of the authorities. The problem of religious persecution should also be mentioned explicitly, since it was one of the underlying causes of the conflict. The use of the wording "cases of severe restrictions on the freedom of religion" underestimated the Sudanese Government's persistent recourse to religious persecution. The draft resolution also said nothing about the bans periodically imposed by the Government on humanitarian flights to southern Sudan, using hunger as a tactic of war. The United Nations mission in southern Sudan had not been given flight clearances to visit a number of critical areas in the oil-rich western Upper Nile region, where several thousand displaced persons were currently converging.

18. The United States remained deeply concerned about the human rights situation in the Sudan, which it strongly condemned, in view of the overwhelming evidence that the Sudanese Government was seriously curtailing those rights. It believed that the text of the draft resolution did not do justice to the victims of those violations. The international community must continue to urge the Sudanese Government to improve the situation in that country and to meet the truly vital needs of the population. In future, the United States would continue to acknowledge the need for United Nations resolutions on the Sudan and to support the work of the Special Rapporteur.

19. **Mr. Al-Humaimidi** (Iraq) said that his country, which had not been able to pay its dues to the United Nations because of the sanctions imposed on it, had accordingly forfeited its right to vote. If it were able to vote, it would vote against draft resolution A/C.3/54/L.81.

20. *A recorded vote was taken on draft resolution A/C.3/54/L.81.*

In favour:

Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Zimbabwe.

Against:

Algeria, Bahrain, Chad, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Fiji, Gambia, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Libyan Arab Jamahiriya, Morocco, Myanmar, Oman, Pakistan,

Qatar, Saudi Arabia, Sudan, Suriname, Syrian Arab Republic, United Arab Emirates, Viet Nam.

Abstaining:

Albania, Antigua and Barbuda, Bangladesh, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Equatorial Guinea, Grenada, Guinea, India, Lao People's Democratic Republic, Lebanon, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mozambique, Nepal, Papua New Guinea, Philippines, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Singapore, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, Ukraine, United Republic of Tanzania, United States of America, Zambia.

21. *Draft resolution A/C.3/54/L.81, as orally revised, was adopted by 81 votes to 28, with 42 abstentions.*

22. **Ms. Eckev** (Norway), explaining her vote after the voting, said that her country had voted in favour of the draft resolution, although it believed that the Committee could have sent a clearer message to the Sudanese Government. Despite some tangible progress, Norway remained deeply concerned about the human rights situation in the Sudan and particularly about the effects of the civil war which was tearing the country apart. It therefore urged the Sudanese Government and all the parties to the conflict to undertake to respect fundamental freedoms and to support the efforts currently being made within the framework of the Inter-Governmental Authority on Development (IGAD) to promote a rapid political settlement of that tragic conflict.

23. **Ms. Al-Hajjaji** (Libyan Arab Jamahiriya) said that her country was committed to the promotion of human rights and fundamental freedoms throughout the world and to the application of international humanitarian law. Nevertheless, international cooperation must be based on the principles of impartiality, objectivity and non-selectivity. That was why the Libyan Arab Jamahiriya had voted against draft resolution A/C.3/54/L.81. The Sudan had cooperated with the Special Rapporteur on the question of human rights in the Sudan and with the representatives of the United Nations organs dealing with human rights and humanitarian aid. It had accepted the initiatives which had been taken to promote national reconciliation and had undertaken to respect human rights and the rule of law in its new constitution. Yet the Committee had decided to submit the draft resolution under consideration, which constituted interference in the internal affairs of the Sudan on the pretext of defending human rights. It was not for the Committee to judge whether Sudanese legislation was compatible with international human rights instruments. The Libyan Arab Jamahiriya invited the Sudan to continue its cooperation with the international community and to follow up the Egyptian-Libyan initiative to promote national reconciliation.

24. **Mr. Umeda** (Japan) said that his delegation also regretted that the Committee had been unable to adopt the draft resolution by consensus. Japan, which had voted in favour of it, welcomed the existing cooperation between the Sudanese Government and the various organs mandated by the United Nations, including the Special Rapporteur of the Commission on Human Rights entrusted with examining the human rights situation in the Sudan, and the fact that the Government was cooperating in humanitarian activities, as stated in the draft resolution. The Sudanese Government's declared willingness to promote and protect human rights and the measures which it had taken to that effect were also encouraging. Japan sincerely hoped that the Sudanese Government would pursue its efforts and continue to cooperate with the international community in order to attain the common goals set by that community.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution A/C.3/54/L.62 and amendments issued in document A/C.3/54/L.101, L.79, L.84 and L.85

Draft resolution A/C.3/54/L.79: Human rights and unilateral coercive measures

25. **The Chairman** said that the draft resolution had no programme budget implications.

26. **Mr. Montwedi** (South Africa) said that the draft resolution requested all States to cooperate in the promotion and defence of human rights; to contribute to the realization of the right to development as an integral part of human rights; to respect the spirit of the

most recent World Conference on Human Rights, held in Vienna, and to that end to refrain from adopting or implementing any unilateral coercive measures not in accordance with international law and the Charter of the United Nations, particularly when such measures were likely to create obstacles to trade relations among States and impede the effective realization of human rights. On behalf of the non-aligned countries and China, and of the countries which traditionally sponsored the draft resolution, his delegation requested that the text should be adopted by consensus.

27. **Mr. Gallagher** (United States of America) requested a recorded vote.

28. *A recorded vote was taken.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Azerbaijan, Kazakhstan, Marshall Islands, Republic of Korea, Ukraine.

29. *The draft resolution was adopted by 101 votes to 47, with 6 abstentions.*[*]

30. **Mr. Ndiaye** (Senegal) pointed out that the asterisk which appeared on the first page of document A/C.3/54/L.79 after the word "China" should be placed after the words "South Africa", since the draft resolution had been prepared by that country on behalf of States Members of the United Nations that were members of the Movement of Non-Aligned Countries, and not by China.

Draft resolution A/C.3/54/L.84: Enhancement of international cooperation in the field of human rights

31. **The Chairman** invited the Committee to consider draft resolution A/C.3/54/L.84, which had no programme-budget implications.

32. **Mr. Montwedi** (South Africa), speaking on behalf of the countries of the Movement of Non-Aligned Countries, China and the other usual sponsors, asked that draft resolution A/C.3/54/L.84 should be adopted by consensus so as not to depart from established practice and tradition. Indeed, a vote on a draft resolution calling for the enhancement of international cooperation in the field of human rights would completely contradict the spirit of the text.

33. **Mr. Schalin** (Finland), speaking on behalf of the countries of the European Union, said that his delegation was surprised that adoption of the draft resolution had been scheduled for the current meeting, since no response had yet been given to the oral and written observations which it had submitted to the Movement of Non-Aligned Countries, even if there

[*] The delegations of Eritrea, the Russian Federation and Iran subsequently informed the Committee secretariat that they had intended to vote in favour of the draft resolution.

were indications that the observations had not been accepted. The European Union would have substantial changes to propose and very much desired a dialogue with the main sponsors of the text. In 1997 and 1998, the draft resolution on the question had been the subject of extensive negotiations in closed session and that tradition seemed to have been abandoned at the current session. He asked whether the main sponsors would be prepared to hold the discussion that day, before the meeting scheduled for 8 p.m.

34. **Mr. Montwedi** (South Africa) said that the coordinators of the draft resolution in the Movement of Non-Aligned Countries had informed his delegation that, since the negotiations were stalled, it was necessary to move on and take a decision on the draft resolution. Nevertheless, his delegation welcomed the observations made by the European Union, since it was indeed very important to reach a consensus on the draft resolution. His delegation therefore accepted the European Union's proposal to defer a decision.

35. **The Chairman** said that, if he heard no objection, he would take it that the Committee wished to defer a decision on draft resolution A/C.3/54/L.84.

36. *It was so decided.*

The meeting rose at 4.50 p.m.